

REMARKS

Claims 1-6, 8-9, 11-12, 15-18, 20-22, 26-27, 29-30, and 35-46, are presently pending in the application. Applicant has amended Claim 5 to include the limitations of Claim 1 to clarify issues for appeal pursuant to 37 CFR§1.116. In addition, Claims 36-41 have been cancelled pursuant to 37 CFR§1.116 without prejudice or disclaimer of the subject matter and expressly preserving the right to further pursue the subject matter of the cancelled claims. Applicant respectfully requests issuance of a notice of allowance for this application in view of the amendments to the claims and the following remarks.

Interview Summary

The Applicant thanks the Examiner for the courtesies extended to the undersigned attorney during the telephone interview on August 7, 2007. During the interview, Claims 1 and 42 were discussed along with U.S. Pat. No. 5,910,996 to Eggers (hereinafter referred to as "Eggers") and U.S. Pat. No. 6,957,053, to Moers (hereinafter referred to as "Moers"). Applicant wishes to thank the Examiner for indicating, as a result of the discussion, that the subject matter of Claim 5 overcame all of the cited prior art, and, subject to an updated search, could result in patentable subject matter if re-written in independent form.

In addition, during the telephone interview, it was agreed that U.S. Pat. No. 6,957,053, to Moers (hereinafter referred to as "Moers"), did not teach or suggest that Moers' DSP (6) received an audio output from Moers' tuner circuit 2 (3). Furthermore, it was agreed that Moers failed to describe that the tuner circuit 2 (3) produced an audio output. Finally, it was agreed that Moers' DSP (6) did not produce a digitally processed second audio output based on audio from Moers' tuner circuit 2 (3).

A. Independent Claims 1 and 18 are allowable because the combination of Eggers in view of Moers does not teach or suggest each and every limitation of the respective claims.

Claims 1-4, 6, 8-9, 15, 18, 20-22, 26-27, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eggers in view of Moers.

1. Independent Claim 1 is in form for allowance because Moers does not teach or suggest asserted limitations.

The rejection states, relative to independent Claim 1, that Moers "discloses a DSP for digitally processing the first audio signal to generate a first (*sic*) processed audio output signal and to also digitally process the second audio signal to generate a second processed audio output signal." See Office Action page 3 (*citing* Moers fig. 1; col. 4, ll. 23-34; col.3, line 45 – col. 4, line 4).

To meet the burden of *prima facie* obviousness, the rejection must show each and every limitation of the claimed invention is in the asserted prior art. During the Examiner Interview of August 7, 2007, it was agreed that Moers does not teach or suggest DSP (6) receiving an audio output from tuner circuit 2 (3), tuner circuit 2 (3) producing an audio output, or DSP (6) producing a digitally processed second audio output based on audio from tuner circuit 2 (3).

Thus, the combination of Moers and Eggers fails to teach or suggest the limitations of "a digital signal processor configured to receive the first audio signal and the second audio signal," as described in Claim 1. Moreover, the combination does not teach or suggest the further limitations of the digital signal processor configured to "digitally process the first audio signal to generate a first processed audio output signal, and to also digitally process the second audio signal to generate a second processed audio output signal," as also described in Claim 1. As a result, *prima facie* obviousness of Claim 1 has not been established. Thus, Applicant respectfully submits that independent Claim 1 and respective dependent claims are in form for allowance.

2. Independent Claim 18 is in allowable form because Moers does not teach or suggest asserted limitations.

The rejection of Claim 18 asserts that "Moers discloses a digital processor (6) connected with the first tuner (2) (*sic*) and the second tuner (3) (*sic*) and the DSP configured to generate a first digitally processed audio output signal as a function of the first tuner frequency setting and too also generate a second digitally processed audio signal as a function of the second tuner frequency setting." See Office Action page 6 (*citing* Moers fig. 1; col. 4, ll. 23-34; col.3, line 45 – col. 4, line 4).

However, as agreed during the Examiner Interview, Moers does not teach or suggest DSP (6) receiving an audio output from tuner circuit 2 (3), tuner circuit 2 (3) producing an audio output, or DSP (6) producing a digitally processed second audio output based on audio from tuner circuit 2 (3).

As a result, the combination of Eggers and Moers does not teach or suggest the limitations of "a digital signal processor connected with the first tuner and the second tuner," as described by Claim 18. Moreover, the asserted combination does not teach or suggest "the digital signal processor configured to generate a first digitally processed audio signal as a function of the first tuner frequency setting, and to also generate a second digitally processed audio signal as a function of the second tuner frequency setting," as required by Claim 18. Thus, a *prima facie* case of obviousness cannot be maintained. Accordingly, for at least these reasons, Applicant submits that independent Claim 18 and respective dependent claims are in form for allowance.

B. Independent Claim 42 is in allowable form because none of the cited references teach or suggest asserted limitations.

Independent Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eggers in view of Moers and further in view of U.S. Patent No. 5661,811 to Huemann et al. (hereinafter referred to as "Huemann"). The rejection states that "Moers discloses the first and second audio signals are digitally processed (via DSP 6)." See Office Action page 14 (citing Moers fig. 1; col. 3, line 64 – col. 4, line 4; col.4, ll. 23-34). However, as previously discussed, Moers does not teach or suggest a DSP (6) receiving an audio output from tuner circuit 2 (3), tuner circuit 2 (3) does not produce an audio output, and DSP (6) does not produce a digitally processed second audio output based on audio from tuner circuit 2 (3).

As a result, neither Moers nor Eggers teach or suggest the limitation of "generating respective first and second digitally processed audio signals based on the respective first and second radio tuner audio signals," as required by Claim 42. For at least this reason, Claim 42 and respective dependent claims are in form for allowance.

In addition, the rejection of Claim 42 states that Moers discloses "generating respective first and second quality detections in response to detection that the first and second radio tuner signal quality signals are less than a predetermined quality threshold value (based

upon quality of each respective tuner being detected, AFs of that tuner are provided which carry the same program of the respective tuner); respectively tuning the first and second radio tuners to respective alternative frequencies in response to the respective first and second quality detections." *See* Office Action pgs. 14-15 (*citing* Moers col. 5, ll. 6-67; col. 6, ll. 36-37).

Applicant respectfully traverses these characterization because the cited portions of Moers merely describes scanning the FM band to detect FM broadcast stations having a signal reception quality exceeding a certain predetermined threshold. In fact, Moers expressly distinguishes his invention over the prior art by stating that "second tuner circuit (3) of the FM receiver collects not only transmitter data of AFs only, but of all transmitters exceeding the predetermined reception quality level qt." *See* Moers Col. 5 lines 48-53. In addition, referring to Moers' Fig. 3, step a3 describes "the tuning frequency of the second tuner circuit (3) is being increased to scan the FM and interrupted upon reception of transmitter fx." *See* Moers col. 6, ll. 42-51.

Moreover, at step a8, second tuner circuit resumes the scanning operation: "If the end of the FM band ... is reached, go to a3 to start subsequent scan cycle, starting again from the lower end of the FM band. *See* Moers col. 6, ll. 60-63. Thus, Moers describes a second tuner circuit (3) that tunes to each subsequent station on the FM band that can be captured by the second tuner circuit (3) after measuring the field strength of the received signal. *See* Moers col. 6, ll. 44-47. In other words, instead of tuning to an **alternative frequency**, Moers describes that the second tuner circuit (3) continuously cycles through every station on the FM band. Thus, Moers's second tuner circuit (3) does not change to an alternative frequency in response to a respective quality detection generated by a radio tuner quality signal being less than a predetermined quality threshold value.

In contrast, Claim 42 requires "tuning the second radio tuner to a second tuner alternative frequency **in response to the second quality detection**" where the quality detection is generated when the second radio tuner quality signal being less than a predetermined quality threshold value. Also, Claim 42 requires tuning to a respective alternative frequency and not merely scanning the entire FM band. As a result, for at least these additional reasons, the cited combination of Egger, Moers and Huemann do not teach or suggest each and every limitation of Claim 42. As a consequence, Applicant respectfully

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submits that independent Claim 42 and respective dependent claims are in form for allowance.

C. Conclusion

The application is believed to now be in condition for allowance, which Applicant earnestly requests. Should the Examiner deem a telephone conference to be beneficial in expediting examination and/or allowance of this application, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Sanders N. Hillis".

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